

Application No. : 10/720,335
Art Unit : 3637

Attorney Docket No. 23725.00
Confirmation No. 3931

Amendments to the Drawings:

A proposed drawing change is submitted herewith. Proposed changes are shown in red. The attached sheet of drawings includes changes to Fig. 3. This sheet replaces the original sheet. In Fig. 3, reference character ~~14~~ (designating the flap) has been added, and the shading on opening “14a” has been deleted.

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes

REMARKS

By the present amendment, Applicants have amended Claims 1 and 6, cancelled Claims 5 and 7-12 and added Claims 13-15. Claims 1-4, 6 and 13-15 remain pending in the present application. Claims 1 and 13 are independent claims.

Claims 10-12 were held withdrawn from consideration by the Examiner as being directed to a non-elected invention. Accordingly, it is proposed herein that the instant claims be cancelled. However, it should be noted that under the provisions of 35 U.S.C. § 121 Applicant reserves the right to file a divisional application directed to the non-elected subject matter.

The drawings were objected to under 37 CFR § 1.83 (a). The Examiner required that the “opening” set forth in claims 2 and 6 and the “attached to the inner surfaces” subject matter set forth in claim 6 must be shown in the drawings. Fig. 3 of the drawings has been corrected to properly show the removable flap **14** positioned to expose opening **14a**. Support for this arrangement is set out on page 6, lines 11-13, of the specification. As most clearly illustrated in Fig. 6, a conventional spring member **26** is attached to the respective inner surface of each handle member **22, 24**. Support for this arrangement is found on page 6, lines 21-24, of the specification. No new matter has been introduced.

In the recent Office Action the Examiner rejected Claims 3, 9 and 6 under 35 U.S.C. § 112, first paragraph. The cancellation of Claim 9 by the present amendment serves to render this particular ground of rejection moot with regard to this claim. With regard to

claims 3 and 6, the drawing correction to Fig. 2 and the explanations provided in the paragraph immediately above are considered to obviate the rejection under, 35 U.S.C. § 112 first paragraph.

Claims 1 and 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahlbeck et al. (US 4,136,408) in view of Sutton et al. (US 2005/0055760 A1). Claims 1-4 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahlbeck et al. in view of Sutton et al. and further in view of Burkholz et al. Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dahlbeck et al. in view of Sutton et al. and Burkholz et al. and further in view of Walton (US 109,563).

The cancellation of Claims 5 and 9 by the present amendment serves to render the rejection under 35 U.S.C. § 103(a) moot with regard to these claims. The Examiner indicated that claims 7 and 8 were free of the prior art. It is therefore presumed that these claims (7 and 8) would be allowable if properly presented.

Applicants have added new independent claim 13 which corresponds substantially to original independent Claim 1 and includes the presumed allowable subject matter of Claim 7 and all intervening claims. New claim 14, which defines the binding and handle arrangement, and new claim 15, which specifies the weight of the cover, are dependent on claim 13. It is submitted that these claims are allowable.

Applicants will advance arguments hereinbelow to illustrate the manner in which the presently claimed invention as set out in claims 1-4 and 6 is patentably distinguishable from the cited and applied prior art. Reconsideration of the present application is respectfully requested.

Independent claim 1, as now amended, is drawn to a mesh pool cover having a peripheral edge therearound. The peripheral edge is in the form of a reinforced binding. The claim requires plural, spring-biased clip members spaced around the periphery and attached to the reinforced binding. The spring-biased clips permit easy attachment and release when the cover is to be installed or removed. Each clip member is described as having first and second handle members with each handle member having inner and outer surfaces. The clips are further described as having gripping teeth disposed at the upper ends and on the inner surfaces of each handle member. Claims 2-4 and 6 depend from claim 1 and more specifically describe the cover and handle members.

In contrast, there is no indication that the cover 50 in the Dahlbeck et al. reference has a reinforced binding around a peripheral edge. Furthermore, the patentees are not concerned with providing a quick release or quick attachment adjunct. Note that washers 45, 46 and wing nuts 47 are employed to secure the cover 50 to the wall of the pool. The deficiencies of the Dahlbeck reference are not remedied in the references to Sutton et al. and Burkholz et al. Although the Walton reference discloses a clip similar to the clip claimed by Applicants, there appears to be no explicit teaching or suggestion that the references be combined, or evidence of motivation to combine. Such combination would occur only in the light of Applicants' teachings. It is well recognized in Patent Law that Applicants own

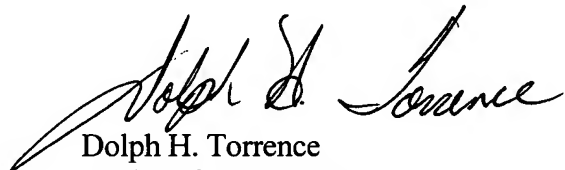
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disclosure cannot be used as a blueprint to meet the proposed claims (Uniroyal Inc. v. Rudkin-Wiley Corp., 5 USPQ2d 1434).

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance. If such is not the case, the Examiner is requested to kindly contact the undersigned in an effort to satisfactorily conclude the prosecution of this application.

Respectfully submitted,



Dolph H. Torrence
Registration No. 34,501
(703) 486-1000

DHT:EGF

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ANNOTATED SHEET SHOWING CHANGES

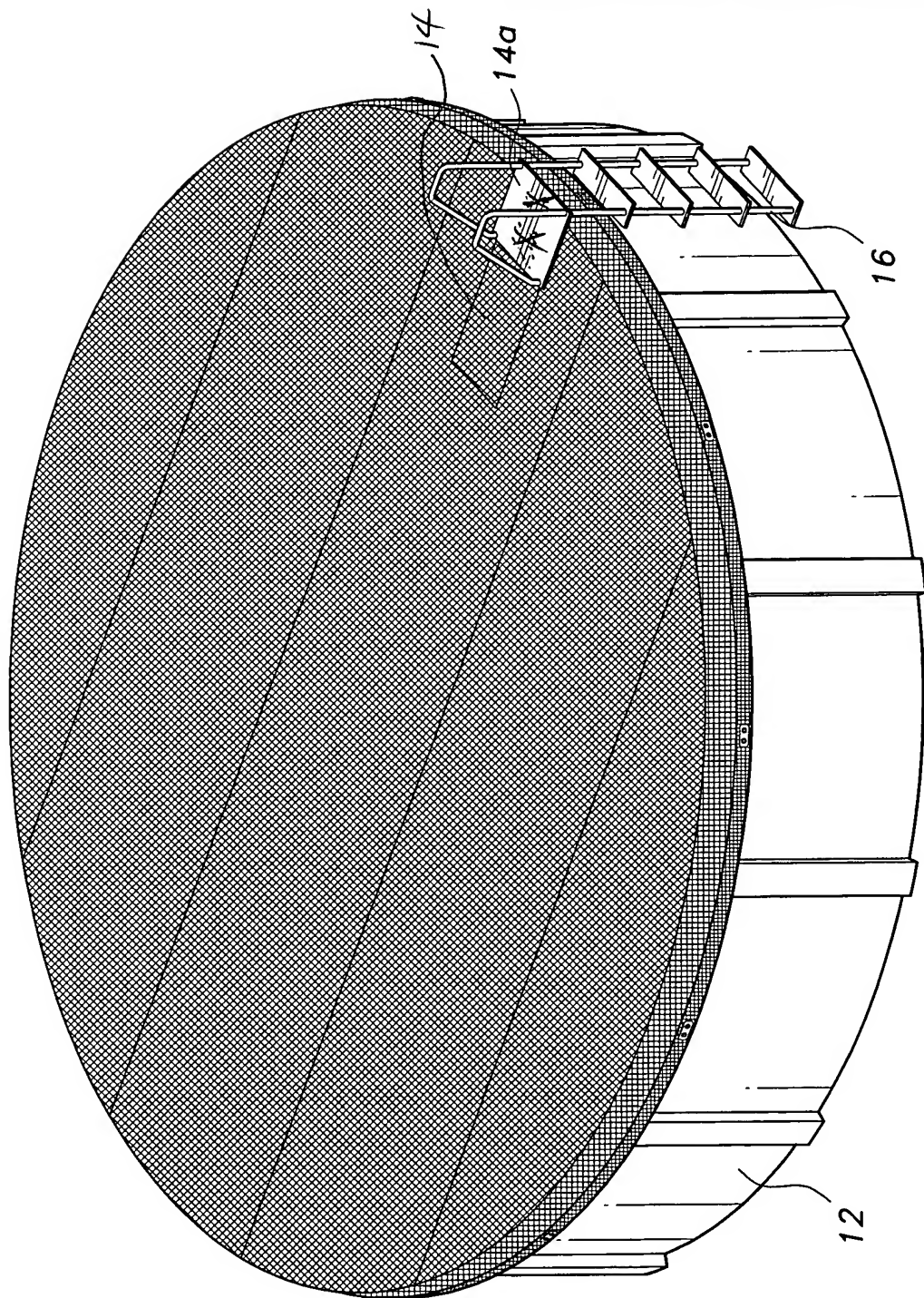


FIG. 3